

EXHIBIT 1

United States District Court
SOUTHERN DISTRICT OF NEW YORK

TO: ATTN: Custodian of Records

████████████████████
████████████████████
██████████
Miami, FL 33183

GREETINGS:

WE COMMAND YOU that all and singular business and excuses being laid aside, you appear and attend before the United States District Court for the Southern District of New York, 40 Foley Square, in the Borough of Manhattan, City of New York, New York, in the Southern District of New York, at the following date, time and place:

Appearance Date: October 23, 2023

Appearance Time: 9:00 a.m.

Appearance Place: Courtroom 706

to testify and give evidence in the following matter:

United States v. John Costanzo Jr. and Manuel Recio, 22 Cr. 281 (JPO)

and not to depart the Court without leave thereof, or of the United States Attorney.

PLEASE SEE ATTACHED RIDER.

N.B.: Personal appearance may not be required if the requested documents are: (1) produced on or before the appearance date to Special Agent ██████████, Federal Bureau of Investigation, New York Office, 26 Federal Plaza, New York, NY 10278, telephone: ██████████, email address: ██████████; and (2) accompanied by an executed copy of the attached Declaration of Custodian of Records.

Failure to attend and produce any items hereby demanded will constitute contempt of court and will subject you to civil sanctions and criminal penalties, in addition to other penalties of the Law.

DATED: New York, New York
 August 28, 2023

/s/

DAMIAN WILLIAMS
*United States Attorney for the
Southern District of New York*

/s/

Mathew Andrews
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Telephone: 212-637-6526
Email: mathew.andrews@usdoj.gov



RIDER

(Trial Subpoena to [REDACTED], dated August 28, 2023)
Ref. No. 22 Cr. 281 (JPO)

Instructions and Definitions:

- This subpoena calls for the production of certain documents and communications (as defined below) in your possession, custody, or control.
- This subpoena covers all responsive documents wherever they may be found, including on computers, email accounts, iCloud accounts, servers, cellphones, and other personal electronic devices.
- “Documents” refers to any and all documents and records, in whatever form kept, including, but not limited to, writings, emails, text messages, messages sent through “apps” or social media accounts, drawings, graphs, charts, calendar entries, photographs, audio or visual recordings, images, and other data or data compilations, and includes materials on both paper and electronic form.
- “Concerning or regarding” means related to in any way.
- Where possible, please produce the records requested herein in electronic form (native format where necessary to view the material in its full scope) in a manner that is OCR-searchable, and with all available electronic metadata.
- This subpoena does not call for the production of any documents protected by a valid claim of privilege, although any responsive document over which privilege is being asserted must be preserved. Any documents withheld on grounds of privilege must be specifically identified on a privilege log with descriptions sufficient to identify their dates, authors, recipients, and general subject matter.

Materials to be Produced:

- All documents, communications, or other records related to the November 12, 2018 invoice attached hereto as Exhibit A.
- All documents, communications, or other records related to the April 17, 2019 invoice attached hereto as Exhibit B.
- All documents, communications, or other records related to the June 3, 2019 invoice attached hereto as Exhibit C.

Exhibit A

Invoice

[REDACTED]
[REDACTED]
Coconut Grove, FL 33233

Bill To

[REDACTED]
Manuel A Recio
[REDACTED]
Miami, FL 33183

Date	Invoice No.	P.O. Number	Terms	Project
11/12/18	421		Due on receipt	

Item	Description	Quantity	Rate	Amount
Investigation	Investigative services		2,500.00	2,500.00
Please remit to [REDACTED] Coconut Grove, FL 33233			Subtotal	\$2,500.00
			Sales Tax	\$0.00
			Total	\$2,500.00

Exhibit B

CUSTOMER
ORDER NUMBER

4/17/19

MANNY RECIO

SHIP TO:

F.O.B.	
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[illegible]

Exhibit C

102

Invoice

6/3/19

CUSTOMER
ORDER NUMBER


MANNY RECIO

SHIP TO:

N

2/A

✓/A

F.O.B. 

11 12

Declaration of Custodian of Records

Pursuant to 28 U.S.C. § 1746, I, the undersigned, hereby declare:

My name is _____.
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration.

I am in receipt of a Trial Subpoena, dated August 28, 2023, and signed by Assistant United States Attorney Mathew Andrews, requesting specified records of the business named below. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records provided herewith and in response to the Subpoena:

- (1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;
- (2) were kept in the course of regularly conducted business activity; and
- (3) were made by the regularly conducted business activity as a regular practice.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.
(date)

(signature of declarant)

(name and title of declarant)

(name of business)

(business address)

Definitions of terms used above:

As defined in Fed. R. Evid. 803(6), “record” includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term, “business” as used in Fed. R.

Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.